

WALPOLE PLANNING BOARD MINUTES OF MAY 15, 2014

A regular meeting of the Walpole Planning Board was held on Thursday, May 15, 2014 at 7:00 p.m. in the Main Meeting Room at Town Hall. The following members were present: Richard Nottebart, Chairman; Edward Forsberg, Vice Chairman; John Murtagh, Clerk (7:25 p.m.); John Conroy, Richard Mazzocca (7:08 p.m.); and Margaret Walker, Town Engineer.

Minutes: Mr. Nottebart moved to accept the minutes of May 1, 2014. Motion seconded by Mr. Forsberg and voted 3-0-0.

ANR – Lanzillo, 545 Fisher Street and Curley, 866 North Street: Mr. Forsberg moved to endorse an ANR plan of land entitled “#545 Fisher Street & #866 North Street Plan of land in Walpole, MA, dated April 29, 2014 by Glossa Engineering, Inc., 46 East Street, East Walpole, MA 02032 508-668-4401” finding Form A in order and subdivision control not required. Motion seconded by Mr. Conroy and voted 3-0-0.

The owners’ title to the land is derived under deed from Gerardo Fabiano and Gerardo Lanzillo, (Owners #1), 545 Fisher Street, Walpole, MA dated June 17, 2011 and recorded in Norfolk Registry of Deeds, Book 28876, Page 232 and shown as Assessors’ Map 9, Lot 40; and, John B. Curley, (Owner #2) whose title to the land is derived under deed from Loisjean Towers dated July 1, 1993 and recorded in Norfolk Registry of Deeds Book 9967 and shown on Assessors Map 9 Lot 44.

Mr. Mazzocca arrived at 7:08 p.m.

Diane Beatty, Corner of Washington & Chestnut Streets, Site Plan Approval, Case No. 12-5, Extension of Time: Mr. Nottebart read a letter dated May 1, 2014 from Atty. Edward Valanzola, 1212 N. Main Street, Mansfield, MA requesting an extension of time for Case No. 12-5. He also read a letter dated May 15, 2014 from Atty. Valanzola stating he no longer needed the extension of time due to the Permit Extension Act.

Mr. Conroy stated we have not received the plan yet for endorsement; therefore, no extension can be granted as it was not endorsed. Mr. Nottebart moved to send a letter to Atty. Valanzola and to copy Dan Merrikin, Merrikin Engineering requesting that a wall plan be submitted so we can endorse the site plan. Motion seconded by Mr. Forsberg and voted 4-0-0.

High Oaks Bond Reduction: Mr. Forsberg moved to reduce the bond on High Oaks subdivision by \$1,500,000 as per recommendation of Margaret Walker, Town Engineer. Motion seconded by Mr. Conroy and voted 4-0-0.

Mr. Murtagh arrived at 7:25 p.m.

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O'Driscoll, 3 High Oaks Court: Mr. Nottebart put this on the board's June 5th agenda as we are waiting to hear from Jack Walsh. Mr. Forsberg informed Brian O'Driscoll that his house number will most likely change anyway as the low numbering starts at the Millbrook end of the street. The board requested that we write a letter to E911 informing them the street name has changed from Lester Gray to High Oaks Court and also that the O'Driscoll's be given a copy. It was further agreed that we will follow up with Jack Walsh to make sure he got our letter dated May 8, 2014.

Walmart, Case No. 10-8: Mr. Nottebart moved to accept an extension of time up to and including January 6, 2016 as per Special Condition #5 in the Walmart, Case No. 10-8 decision as per a letter dated May 12, 2014 from Atty. Philip Macchi. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Lot 8 Warren Lane: Mr. Nottebart read a letter dated May 15, 2014 from Michael Viano, Northridge Ventures, LLC dated May 15, 2014 requesting to amend the Order of Conditions by replacing the drainage swale that leads from Headwall #2 to Retention Basin #2 with a 15" reinforced concrete drain pipe. The swale will then be filled in to allow for the construction of a house on Lot 8 with finished grading around the house and in the area of the new drain pipe as planned by the new owner of Lot 8. John Glossa, Glossa Engineering stated that the Conservation Commission voted last night to amend the Order of Conditions and also voted it is not in the realm of the Planning Board to amend the Order of Conditions for the house itself. The neighbors were noticed, but there was no formal advertisement in the paper. Ms. Walker stated the O&M and subdivision plans need to be modified. She feels the proposed changes do not constitute a major modification, but is more than a field change. Mr. Conroy stated Planning Board approval will be contingent upon a review of the plans and documents by Ms. Walker. He stated we also need a check for \$200. Mr. Forsberg said the changes need to be put on the plan. Mr. Nottebart asked the town engineer if she is all set with voting this to be a minor modification and she stated yes. Mr. Conroy moved that the proposed change be a minor modification which the board will approve contingent upon all the documents and the plan showing the change being approved by the town engineer, Margaret Walker. Motion seconded by Mr. Murtagh and voted 5-0-0.

7:40 p.m. Olmsted Estates 11-Lot Definitive Subdivision: Mr. Nottebart informed the applicant that the board could change in June because of the town election and asked if they want to proceed tonight. Mr. Viano stated yes. Mr. Nottebart read the public hearing notice. The applicant was represented by John Glossa, 46 East Street, East Walpole, MA. Also present was Shawn McInty and Dale and Lisa Olmsted. Mr. Glossa stated the O'Donnell's could not make tonight's meeting. Mr. Glossa stated they did not file any ANR plans as yet that would separate the lots out, even though there is a note on the subdivision plan stating there were ANR's done on March 5, 2014. He has paper copies of the ANR plans, but nothing has officially been submitted. Mr. Conroy stated we had a similar situation with Tall Pines. Anything in play is left in play until they do an ANR, which would have to be done before approval. Mr. Murtagh stated the green cards are all set.

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Mr. Glossa stated this property is off Fisher Street. There is a 40' wide stub with two (2) 20' roundings onto Fisher Street. Previously, the county came along and widened the road which impacted the roundings and made them non-tangent. Further, the property line is following the wetland line. The majority of the property is wooded but if you head toward the north end, there is a large field. Road A and Road B will both end in a cul-de-sac and both are longer than 750'. Some of the property is located in the RA zone and some is in the R zone. Four lots are Rural and seven lots are Residential A and the lots have to have 60% upland area, which they do. All the lots have the required frontage on proposed streets. They will be accessing the municipal water system from Fisher Street and are proposing to bring the sewer up from Walden Drive, across the Olmsted property and into the subdivision. The houses that they pass by can be sewerred. They will have underground utilities and street lights and gas will be provided. There were stubs in Fisher Street in both directions. They will provide laterals for all houses that they pass by and also the eleven houses. They left an easement for the O'Donnell's to connect and also the two houses on either side of the stub. They will be working with the town to make sure those two houses could connect into the sewer, but he is not sure if it will be a gravity or forced main system. They could extend the sewer behind their lots and not down Fisher Street. They were leaving a stub to go into the Sunnyrock II property, but because they revised the plans, they are taking that stub off. Mr. Glossa stated there is a cart path there now which they will most likely use for water lines.

Mr. Nottebart read comments from the Board of Health, Conservation Commission, Fire, Police, Sewer and Water. He also read a letter from E911 who approved Olmsted Lane, but denied Prevett Circle as it sounds too much like Everett Street. Mr. Forsberg questioned the street lights and Mr. Glossa stated there is a pole on Fisher Street that needs to be relocated and a street light at the intersection of Road A and B and also at the end of the cul-de-sac. Mr. Forsberg asked that Mr. Glossa review this with Ms. Walker. Regarding the 40' waiver off Fisher Street, Mr. Forsberg asked if they can get the full 26' of pavement and a sidewalk. Mr. Glossa stated there will be 26' of pavement and a sidewalk on the left side and a grass strip which will only be 2' wide, not 5'. He is aware that a 2' grass strip is hard to maintain. Mr. Forsberg also questioned the 750' dead end. Mr. Glossa stated it is only a little over 750'. Mr. Conroy asked regarding the 46' why they don't do 26' with a 5' sidewalk and a 5' grass strip on the right and whatever is left put on the left side. Mr. Glossa stated that he could do that. Mr. Conroy stated they need to ask for a cross section waiver and put that on the subdivision plan. Mr. Conroy questioned the proposed 40' roadway coming in off Fisher Street and asked if Ms. Walker is okay with that. He also questioned slope easements and asked if they obtained permission for them. Mr. Glossa stated they didn't show slope easements because they didn't obtain anything. Therefore, there will be no slope easements. Mr. Murtagh asked if the 40' street width affects the roundings. Mr. Glossa stated yes. Under a conventional plan the roundings are 40' so they can meet the requirement of the curbing. The centerline of the road and the right of way will not be on the same line. Mr. Murtagh asked if they will be working with 40' and Mr. Glossa stated yes.

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Mr. Nottebart stated he is concerned with one way in and one way out. It could be a potential problem. He asked for comments from the public.

Bill Marazzi, 20 Covey Road stated there are wetlands separating his home and the lots on Olmsted and asked if the wetlands will be touched. Mr. Glossa stated no. Mr. Marazzi asked where the roads are with regard to the wetlands and Mr. Glossa showed him on the plan. He stated there are two wetlands and the homes have to be at least 25' from the wetlands and these are more than that. He stated Mr. Marazzi is about 1200' from the wetlands. He was surprised that Mr. Marazzi was noticed of the public hearing. Mr. Viano stated he had to notice everybody all the way around the property in question per the Assessors.

Mr. Glossa pointed out that Mr. O'Donnell did appear.

Mr. Forsberg stated that regarding the 750' waiver, we should wait for the Sewer and Water comments.

There were no further questions. Mr. Glossa stated they will need to continue and asked to be placed on the June 19, 2014 agenda. He granted an extension of time to the board up to and including July 30, 2014. Mr. Nottebart moved to accept an extension of time up to and including July 30, 2014 on which to take action on the Olmsted Estates subdivision. Motion seconded by Mr. Conroy and voted 5-0-0. Mr. Nottebart moved to continue this hearing to June 19, 2014 at 8:00 p.m. Motion seconded by Mr. Mazzocca and voted 5-0-0.

8:50 p.m. Tee-T's Restaurant, 943 Main Street, Special Permit, Case No. 14-4 and 8:51 p.m. Tee-T's Restaurant, 943 Main Street, Site Plan Approval, Case No. 14-5: The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. David Wakefield was also present. Mr. Forsberg moved to waive the reading of the public hearing notice. Motion seconded by Mr. Conroy and voted 5-0-0.

Mr. Macchi stated the locus in question falls within the CBD and the site is functioning as a restaurant and has maintained this location for many years. The application before the board names Tee-T's Restaurant as the Applicant and Olga Abdullah, Abdullah Family Enterprises as the owner. If the relief requested is granted, it will run with the land and be binding on the applicant and owner. They are seeking a Special Permit under Section 5-B.4.q.iv of the Zoning Bylaw for the regular furnishing of live entertainment at an existing restaurant. The addition of live entertainment is for customer enjoyment and requires no alteration or changes to the restaurant. Mr. Macchi discussed the requirements for a special permit and stated this shall not adversely affect the character of the immediate neighborhood, shall not be dangerous or create such noise, vibration, heat, dust, smoke odor, etc. to adversely affect the immediate neighborhood and shall comply with the dimensional requirements applicable to the zoning district in which the premises

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is located, including, without limitation, the applicable lot coverage and buffer zone requirements.

Mr. Macchi discussed the requirements for site plan approval/waiver. He stated that under Section 13 and pursuant to Section 5-B.4Q.IV of the Zoning Bylaw, site plan approval is required for any uses that include a Special Permit under Section 5.B except for one and two family residences and for those uses or activities specifically exempted from Site Plan Review in other sections of the Zoning Bylaw. Section 13.9 sets forth the applicable criteria to be met and the applicant submits that there are no physical changes to the restaurant/bar facility and that all entertainment is to take place within the facility. He further stated that there are no changes anticipated as to vehicular and pedestrian movement. It was noted there are no parking requirements in the CBD.

Mr. Nottebart read the comments received from other town boards and committees. Mr. Macchi stated the inside of the building has been updated and looks nice. He is planning to set up a meeting with the Fire Department to discuss Dep. Chief Laracy's comments and concerns; however, this is an existing building and therefore exempt from what Dep. Laracy is suggesting. He stated this is an entertainment license to be issued by the Board of Selectmen. Mr. Nottebart asked what type of entertainment and Mr. Wakefield, Treasurer of Tee-T's stated it will only be a one or two person band playing. In the past, they have had six different groups in there and they had been granted six (6) one-day licenses. He stated the direct nature of a site plan is not applicable. Mr. Nottebart stated he feels we need to amend our Zoning Bylaw so we aren't bring people before us for no reason. Mr. Forsberg and Mr. Murtagh agree with that. Mr. Nottebart asked how many square feet is the building and Mr. Macchi stated 1410 s.f.,

Olga Abdullah, 1027 Washington Street, Norwood, MA, owner of Tee-T's stated that her sister, Helen Donohue, is an attorney and is in partnership with her for this location. She feels the decision should be with the applicant not the owner. She doesn't want to be included with this board's decision. Mr. Macchi stated it is similar to Jake Murphy. It can be just to the applicant. Ms. Abdullah stated the list of the corporate officers is not correct and feels the applicant should address this issue. Atty. Macchi stated he will check that out, but he doesn't feel it is an issue. Mr. Conroy stated regarding the point that was raised about the Special Permit running with the owner and applicant, it is up to the owner as to whether or not they want to continue with it if the applicant changes.

There were no further questions. The applicant granted the board an extension of time up to and including July 31, 2014. Mr. Nottebart moved to accept an extension of time on which to take action up to and including July 31, 2014 as requested by the applicant's attorney, Philip Macchi. Motion seconded by Mr. Mazzocca and voted 5-0-0.

Mr. Nottebart moved to continue these hearings to July 10, 2014 at 7:30 p.m. and 7:31 p.m. as requested by the applicant's attorney, Philip Macchi. Motion seconded by Mr. Murtagh and voted 5-0-0.

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Symphony Park, 8 Mozart Drive Release of Form F Covenant: Mr. Nottebart read a letter dated May 14, 2014 from Atty. William O'Connell, 1333 Main Street, Suite E, Walpole, MA requesting the board endorse a release of the Planning Board covenant for definitive plan of subdivision of land entitled Symphony Park dated November 16, 1995 as referenced in Norfolk County Registry of Deeds Book 11215, Page 444 for Lot 58, which was inadvertently omitted when the Form I was voted and endorsed on July 13, 1997.

Mr. Conroy moved to endorse a the Form I releasing the covenant dated November 16, 1995, and recorded in Norfolk Registry of Deeds, Book 11215, Page 444 as shown on a plan entitled Symphony Park and recorded with said Registry of Deeds, Plan Book 436, Pan 70 of 1996 and releasing Lot 58. Motion seconded Mr. Murtagh and voted 5-0-0.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 6/5/14